

REMARKS

In the Office Action, the Examiner rejected claims 1-27. Claims 1-27 remain pending in the present application and are believed to be in condition for allowance. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5, 7, 8, 11, 13-22, 24, and 25 under 35 U.S.C. § 102(e) as being anticipated by Busayapongchai et al., U.S. Patent No. 6,944,594 (hereafter referred to as “the Busayapongchai reference”). Specifically, with respect to claims 1 and 25, the Examiner stated:

In regard to claims 1 and 25, Busayapongchai et al. disclose a signal processor and a method for manufacturing a telephony system comprising providing the signal processor, wherein the signal processor is configured to receive a token selected based upon a composite grammar (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65), and wherein the token corresponds to an entry point for one of a plurality of applications (the command word is an indication to switch to an alternate application, column 6, lines 27-31), and configured to access the respective application at the entry point (the recognized alternate application is initiated, column 6, lines 34-57).

Office Action, page 2. Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). That is, the prior art reference must show the *identical invention “in as complete detail as contained in the ... claim”* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Thus, for anticipation, the cited reference must not only disclose all of the recited

features but must also disclose the *part-to-part relationships* between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir.1984). Accordingly, the Applicants need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. A *strict correspondence* between the claimed language and the cited reference must be established for a valid anticipation rejection.

Moreover, the Applicants submit that, during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. § 2111 (describing the standards for claim interpretation during prosecution). Indeed, the *specification* is “the primary basis for construing the claims.” *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005). It is usually dispositive. *See id.* Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); see also M.P.E.P. § 2111. That is, recitations of a claim must be read as they would be interpreted by those of ordinary skill in the art. *See Rexnord Corp. v. Laliram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001); see also M.P.E.P. § 2111.01. In summary, an Examiner, during prosecution, must interpret a claim recitation as one of ordinary skill in the art would reasonably interpret the claim in view of the specification. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827 (Fed. Cir. 2004).

Independent claims 1, 5, 16, 19, 24 and 25

The present patent application is related to accessing applications over communication systems and navigating between applications. *See* specification, page 2, lines 5-7. Access to services or applications offered by a cellular phone service provider may be tedious, especially when navigating from one application to another, as a subscriber may need to navigate through various layers or scripts of an application to reach the function or content they seek. *Id.* at page 6, line 17 through page 7, line 21. Thus, techniques are provided to allow a subscriber to move freely between applications or to access content from an application directly without having to traverse a maze of preliminary menus or options. *Id.* at page 7, line 21 through page 8, line 11. In particular, a vocabulary may be implemented that

includes accepted audio codes for a plurality of applications and the use of such a vocabulary to navigate between and within the various applications. *See* specification, page 10, lines 9-12. One example of such a vocabulary may be a composite grammar. *Id.* at page 14, lines 21-23. Words, phrases, or tones may be used to select a token or token string which, in turn, may be used to access the appropriate level or document of the application directly, without having to navigate through layers or documents of an application. *Id.* at page 16, lines 17-25. As such, the composite grammar may include audio codes for a plurality of applications and allow for bypassing menu layers to directly access a desired document or level of an application.

Accordingly, claim 1 recites, *inter alia*, “A signal processor configured to receive a token selected based upon a *composite grammar*.” (Emphasis added). Claim 5 recites, *inter alia*, “a telephony server configured to receive a modulated signal correlative to an audio command, to analyze the modulated signal to identify a constituent of a *composite grammar*, and to select a token corresponding to the constituent.” (Emphasis added). Claim 16 recites, *inter alia*, “processing a signal to identify an audio code as a constituent of a *composite grammar*; and accessing an entry point of one of the plurality of applications based upon the constituent of the *composite grammar*.” (Emphasis added). Claim 19 recites, *inter alia*, “programming instructions stored on the computer-readable medium for processing a signal to identify an audio code as a constituent of a *composite grammar*; and programming instructions stored on the computer-readable medium for accessing an entry point of one of the plurality of applications based upon the constituent of the *composite grammar*.” (Emphasis added). Claim 24 recites, *inter alia*, “storing programming instructions for identifying an audio code as a constituent of a composite grammar on a computer-readable medium; and storing programming instructions for accessing an entry point of one of the plurality of applications based upon the constituent of the *composite grammar* on the computer-readable medium.” (Emphasis added). Claim 25 recites, *inter alia*, “providing at least one signal processing device programmed to identifying an audio code as a constituent of a *composite grammar* and programmed to access an entry point of one of the plurality of applications based upon the constituent of the *composite grammar*.” (Emphasis added.)

In sharp contrast to the above-recited features, the Busayapongchai reference fails to disclose a composite grammar. The Busayapongchai reference discloses a “control manager [that] continually monitors for control words, enabling the user to switch between applications at will.” Busayapongchai reference, abstract, lines 5-7. More particularly, as described in the Busayapongchai reference, the control manager “monitors the input received and analyzes the input for the presence of command words, such as ... ‘Main Menu’, ‘Lottery Results’, ‘Stock Quote’, etc. ... [and] if no command words are found, the input is passed to the current speech application.” See Busayapongchai reference, paragraph 38 (6:27-33). The command words disclosed in the Busayapongchai reference, however, are clearly not grammars as set forth in the present application. Indeed, the present application describes a “grammar” as a list of allowable responses or inputs for the respective construct associated with the grammar, i.e., a document or application, and a “grammar” in accordance with the disclosed techniques may include inputs from each application, including a main menu. See specification, page 8, line 16 through page 9, line 2. The command words disclosed by the Busayapongchai reference, in contrast, are merely *a few specialized commands that permit movement to various applications*. See Busayapongchai reference, paragraphs 38 and 39 (6:27-56); see also Fig. 7. Stated differently, in the Busayapongchai reference, a control manager monitors for particular control words that can *launch* an application. *Id.* However, in order to achieve desired content within the application, a user must still navigate through menus or documents after the control manager has launched the new application. *Id.* That is, the Busayapongchai command words are merely *a few specialized commands that permit movement to various applications at a previously suspended point in each application*. Further to that point, the Busayapongchai reference merely permits a user to return to an application at the point where it was suspended when a second application was opened but does not permit access to an entry point based on the composite grammar. See Busayapongchai reference, paragraphs 39 (6:47-51). As such, these command words cannot be considered grammars – much less a “composite grammar,” as recited in claims 1, 5, 16, 19, 24 and 25. For at least this reason, the Busayapongchai reference fails to anticipate the features of claims 1, 5, 16, 19, 24 and 25.

Moreover, in rejecting each of the independent claims, the Examiner cited to a “context table 602” of the Busayapongchai reference as disclosing a composite grammar. In

particular, the Examiner indicated that the “context” is a grammar. *See* Office Action, page 2 (stating “context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65”). However, a “context” would not reasonably be considered a “grammar” by one of ordinary skill in the art. Indeed, “context” as used in the Busayapongchai reference is clearly just referring to a location, layer, or document within a particular application that a user is accessing. In contrast, a “grammar,” as set forth in the instant application and described above, is inputs for applications and may include all inputs from all applications. *See* specification, page 8, line 16 through page 9, line 2. As such, “context” cannot reasonably be considered a grammar, much less a “composite grammar” as set forth in claims 1, 5, 16, 19, 24 and 25.

Accordingly, for at least the reasons set forth above, Applicants respectfully assert that the Busayapongchai reference does not disclose all the elements of the independent claims 1, 5, 16, 19, 24 and 25 and, as such, cannot anticipate the claims under Section 102. Applicants respectfully request withdrawal of the rejection under Section 102 and allowance of claims 1, 5, 16, 19, 24 and 25, as well as all claims depending therefrom.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 6, 9, 10, 12, and 23 under 35 U.S.C. § 103(a) as being unpatentable over the Busayapongchai reference in view of Denenberg et al., U.S. Patent No. 7,158,936 (hereafter referred to as “the Denenberg reference”); and rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai in view of Official Notice. Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was,

independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

As mentioned above, the Busayapongchai reference fails to disclose all the features of the independent claims 1, 5, 16, 19, 24 and 25. Applicants respectfully assert that the Denenberg reference does not cure the deficiencies of the Busayapongchai reference with respect to the independent claims. In particular, Applicants respectfully assert that the Denenberg reference does not disclose a “composite grammar” as set forth in the independent claims. Accordingly, the Busayapongchai reference and the Deneberg reference, taken alone or in hypothetical combination, do not disclose all the features of the independent claims and cannot support a *prima facie* case for obviousness under Section 103. Applicants respectfully assert, therefore, that dependent claims 6, 9, 10, 12 and 23 are allowable based on their dependencies from their respective independent claims and request withdrawal of the rejection and allowance of the claims.

Additionally, with respect to the Official Notice and the rejection of claims 26 and 27, Applicants assert that claims 26 and 27 are allowable based on their respective dependency from claim 25. Therefore, Applicants respectfully request withdrawal of the rejection under Section 103 and allowance of claims 26 and 27 based on their dependency from claim 25.

Furthermore, should the Examiner maintain the rejection using Official Notice and believes that certain features and/or equivalents are well known in the prior art, the Applicants hereby seasonably traverse the Official Notice and challenge the Examiner’s position and request evidence in support of the Examiner’s position as soon as practicable during prosecution. *See* M.P.E.P. § 2144.03 and § 2144.06.

Payment of Fees and General Authorization for Extensions of Time

No fees are believed to be due at this time. If any fees, including fees for extensions of time and other reasons, are deemed necessary to advance prosecution of the present application, at this or any other time, Applicants hereby authorize the Commissioner to charge such requisite fees to Deposit Account No. 06-1315; Order No. LUCW:0011. In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 4, 2008

/John Rariden/
John M. Rariden, Esq.
Reg. No. 58,344
FLETCHER YODER
PO Box 692289
Houston, TX 77269-2289
(281) 970-4545